

FILED
JUL 14 2010
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

UNITED STATES OF AMERICA,)	Cause No. CR 06-02-BU-DWM
)	
Plaintiff/Respondent,)	
)	
vs.)	ORDER DENYING MOTION
)	FOR NEW TRIAL AND FOR
STEVEN JONES,)	APPOINTMENT OF COUNSEL
)	
Defendant/Movant.)	
)	

On March 15, 2010, Defendant/Movant Steven Jones filed a fifty-page notice of appeal of this Court's denial of his motion under 28 U.S.C. § 2255. On July 9, 2010, he filed a "Motion for New Trial Pursuant to Rule 33(b)(1)" and a motion for the appointment of counsel.

The case is on appeal. This Court lacks jurisdiction. Williams v. Woodford, 384 F.3d 567, 586 (9th Cir. 2004) (citing Carriger v. Lewis, 971 F.2d 329, 332 (9th Cir. 1992) (en banc)). Further, Jones may no longer make a motion for a new trial because the verdict was entered more than three years ago, on January 23, 2007. Verdict (doc. 50); United States v. Woods, 399 F.3d 1144, 1146 (9th Cir. 2005).

Accordingly, IT IS HEREBY ORDERED that Jones's motion for new trial (doc. 119) is DENIED.

DATED this 14th day of July, 2010.



Donald W. Molloy
United States District Court
